

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

XIAOYU CHEN, et al.,

Plaintiffs,

v.

BELLEVUE SCHOOL DISTRICT, et
al.,

Defendants.

CASE NO. C24-5616 BHS

ORDER

THIS MATTER is before the Court on defendant Bellevue School District's Federal Rule of Civil Procedure 12(b)(1) motion to dismiss for lack of subject matter jurisdiction. Dkt. 6. Pro se plaintiffs Xiaoyu Chen and Stephan Valentinetti sued the Washington State Utilities and Transportation Commission (WUTC) and the Bellevue School District (BSD) for "slander and liable," Dkt. 1 at 5, alleging they and others conspired to keep plaintiffs from obtaining state and federal transportation contracts. *Id.*

BSD moves to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), arguing that plaintiffs have not invoked this court's subject matter jurisdiction: the parties are all citizens of Washington state, so there cannot be

1 jurisdiction based on diversity of citizenship, and the only claims the plaintiffs assert are
2 state law torts, so there is no federal question jurisdiction. Dkt. 6 at 2 (citing 28 U.S.C. §§
3 1331 and 1332). BSD asks the Court to dismiss the case with prejudice. Dkt. 6 at 3.

4 Plaintiffs have filed two responses, Dkts. 7, 14. They also filed a motion to change
5 venue, Dkt. 11. The first response asserts that it is too early in the case to grant a Rule 56
6 summary judgment, and that BSD receives federal funding. Dkt. 7 at 2–3. It clarifies that
7 plaintiffs are asserting claims for “Discrimination, Differential Treatment, Slander &
8 Liable, Retaliation, Falsifying Evidence, etc.” *Id.* at 5.

9 The second response renews the plaintiffs’ baseless and bizarre allegations that the
10 Court is corrupt, that Benjamin Settle is [non-party] Evergreen Trails’ “go to Judge”, and
11 that he “may or may not even be alive.” Dkt. 14 at 1–2. Like their first response,
12 plaintiffs’ second attempt fails to address BSD’s motion or the Court’s subject matter
13 jurisdiction.

14 The Court does not have subject matter jurisdiction over this dispute. The parties
15 are all Washington citizens and the complaint asserts only state law claims. That is the
16 single issue presented by the motion. BSD’s motion to dismiss for lack of subject matter
17 jurisdiction, Dkt. 6, is therefore **GRANTED**, and the case is **DISMISSED** without¹
18 prejudice.

19 Plaintiffs’ motion for change of venue, Dkt. 11, is **DENIED** as without merit and
20 moot.

21
22 ¹ BSD’s request for dismissal with prejudice is **DENIED**; the Court plainly cannot
adjudicate a case if it is without jurisdiction to hear it.

1 The clerk shall close the case.

2 IT IS SO ORDERED.

3 Dated this 22nd day of October, 2024.

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6 BENJAMIN H. SETTLE
United States District Judge